

### **REMARKS**

Claims 1-51 are currently pending in the subject application and are presently under consideration. Claims 1, 21, 23, 30, 32, 35-37, and 43 have been amended as shown on pages 2-9 of the Reply. Claims 33 and 34 have been cancelled.

Applicant's representative appreciates the Examiner's acknowledgement that claims 34-35 would be allowable if rewritten in independent claim form, and that claim 36 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112. Accordingly, independent claims 1, 21, 23, 32, and 37 have been amended to include the allowable subject matter of claim 34, and claim 37 has been rewritten to incorporate the allowable subject matter of claim 35. It is believed that these amendments place the present claim set in condition for allowance.

Applicant's representative also thanks Examiner Zaher for the courtesies extended during the telephonic interview conducted on April 29, 2008. During the interview, the Examiner indicated that the present amendments appear to overcome the rejections under 35 U.S.C. §112 and 35 U.S.C. §101. The Examiner also stated that, provided independent claim 37 was further amended to include the utility function of claim 34, the proposed amendments to the independent claims appear to overcome the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a). Accordingly, claim 37 has been amended in accordance with the Examiner's recommendations.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 30-31, 36 and 43 Under 35 U.S.C §112**

Claims 30-31, 36, and 43 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 30 and 43 have been amended to correct the respective parent claim references.

With regard to the rejection of claim 36, the incorrect variable  $A_i$  has been changed to  $A_j$ . The Examiner contends that this variable, as well as  $D_j$ , are undefined, thus rendering the claim indefinite. However, independent claim 32, from which claim 36 depends, clearly defines these variables. Specifically,  $A_j$  is defined as *an attentional state of a user*, while  $D_j$  is defined as a *task or communication that disrupts the user*.

In view of the above, it is respectfully requested that this rejection be withdrawn.

**II. Rejection of Claims 1-19 and 21-22 Under 35 U.S.C. §101**

Claims 1-19 and 21-22 stand rejected under 35 U.S.C. §101 because the Examiner contends the claimed invention is directed to non-statutory subject matter. Independent claims 1 and 21 have been amended to address the Examiner's concerns with regard to this rejection. It is therefore respectfully requested that this rejection be withdrawn.

**III. Rejection of Claims 1-33 and 37-51 Under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)**

Claims 1-33 and 37-51 stand rejected under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) as being unpatentable under various combinations of Flickner, *et al.* (US 6,577,329), Samar (US 5,563,514), Monnes, *et al.* (US 6,459,440), and Hirose, *et al.* (US 5,987,234). However, independent claims 1, 21, 23, 32, and 37 have been amended to incorporate subject matter deemed allowable by the Examiner in the Office Action, as indicated in the Office Action. It is therefore respectfully requested that these rejections be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP474US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROC & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROC & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731